



Planning Commission Staff Report

Meeting Date: November 3, 2015

Subject: Development Code Amendment Case Number DCA14-014

Applicant: Washoe County Community Services Department
Engineering and Capital Projects Division

Agenda Item Number: 8B

Summary: To amend Washoe County Code, Chapter 110, Development Code, to create a new article, Article 421 to be entitled "Storm Water Discharge Program" in order to update, codify and provide best management practices relating to Washoe County Ordinance 1223 (adopted in 2003) and the National Pollutant Discharge Elimination System (NPDES) permit issued to Washoe County.

Recommendation: Recommend approval and authorize the Chair to sign the attached resolution.

Prepared by: Kimble O. Corbridge, P.E., CFM
Washoe County Community Services Department
Engineering and Capital Projects Division
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Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number DCA14-014 – Hearing, discussion, and possible action to amend Washoe County Code, Chapter 110, Development Code, by repealing the existing storm water discharge Ordinance 1223 (2003) and replacing it by amending the Washoe County Code at Chapter 110 (Development Code) to create Article 421, *Storm Water Discharge Program*, in order to update, codify and provide best management practices relating to the storm water discharge program and the National Pollutant Discharge Elimination System (NPDES) permit issued to Washoe County, and other matters necessarily connected therewith and pertaining thereto.

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Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Public Notice

The Development Services Forum (DSF) discussed the proposed amendments at their August 13, 2015 meeting. Four members of the DSF were present at the meeting. Kimble Corbridge, Senior Engineer, Engineering and Capital Projects Division, presented the proposed code amendments. There were questions but no specific comments from DSF members on the proposed code amendments.

Staff arranged for a public workshop to discuss the proposed amendments held on August 18, 2015 from 5:00 p.m. to 6:00 p.m. in the Community Services Department conference rooms. All

active CAB members were notified by e-mail of the public workshop on August 12, 2015. No members of the public or CAB members attended the workshop.

Pursuant to WCC Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Background/Analysis

Amendments to the Development Code are often necessary to keep it up to date with the most current requirements. Washoe County is a co-permittee of a National Pollutant Discharge Elimination System (NPDES) permit with the Cities of Reno and Sparks. The NPDES permit has requirements for a Storm Water Discharge Program. In 2003, the Board of County Commissioners adopted Ordinance 1223 which outlines and provides the requirements for the Storm Water Discharge Program. The County continues to operate under that ordinance to the present time.

In June, 2013, the Nevada Division of Environmental Protection (NDEP) along with the Federal EPA conducted an audit of the co-permittee NPDES permit. One item of the audit was that the County's ordinance lacked any language concerning permanent Best Management Practices (BMP) and their maintenance.

When the original ordinance was adopted, the then Public Works Department required developments to comply with the ordinance. The ordinance could have been included in the Development Code soon after it was adopted but was not at that time.

Now that additional requirements must be added to the ordinance, it is appropriate to create a new Article 421 "Storm Water Discharge Program" and include the original ordinance and the required additions. The proposed amendments are included as Exhibit A to the Resolution (Attachment A) for this staff report.

These amendments were initiated by the Washoe County Planning Commission on August 4, 2015 under Resolution 15-10 and were assigned Development Code Amendment Case Number 14-014.

Findings

WCC Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment. The proposed code amendment supports many of the policies and action programs of the Washoe County Master Plan. Specifically, the amendment provides additional protection of the environment by requiring best management practices for storm water runoff.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, *Adoption of Development Code.*

Staff comment. The proposed code amendment to codify the requirements of storm water runoff from projects does not adversely impact the public health, safety or welfare and also promotes the original purposes of the Development Code.

3. Response to Changed Conditions. The proposed Development Code amendments respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners and the requested amendments allow for a more desirable utilization of the land within the regulatory zones.

Staff comment. Washoe County has entered into a permit with Nevada Division of Environmental Protection to provide a storm water management program for industrial, commercial, institutional, multi-family residential and subdivisions. The proposed code amendment will codify the ordinance that was approved by the Board of County Commissioners in 2003.

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs or the Conservation Element of the Population Element of the Washoe County Master Plan.

Staff comment. The proposed code amendment will not adversely affect the policies and action programs of the Conservation or Population Elements of the Master Plan.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA14-014, to amend Washoe County Code Chapter 110 (Development Code) to create a new article, Article 421 to be entitled "Storm Water Discharge Program" in order to update, codify and provide best management practices relating to Washoe County Ordinance 1223 (2003) and the National Pollutant Discharge Elimination System (NPDES) permit for which Washoe County maintains a co-permittee status, as required for compliance with the provisions of that permit. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA14-014, to amend Washoe County Code Chapter 110 (Development Code) by repealing the existing storm water discharge Ordinance 1223 (2003) and replacing it by amending the Washoe County Code at Chapter 110 (Development Code) to create Article 421, *Storm Water Discharge Program*, in order to update, codify and provide best management practices relating to the storm water discharge program and the National Pollutant Discharge Elimination System (NPDES) permit issued to Washoe County. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with WCC Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, *Adoption of Development Code.*
3. Response to Changed Conditions. The proposed Development Code amendments respond to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners and the requested amendment allow for a more desirable utilization of the land within the Regulatory Zones.
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.”

Appeal Process

An appeal of the Planning Commission’s denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar days from the date that the Planning Commission’s decision is filed with the Secretary to the Planning Commission, pursuant to WCC Section 110.818.25 and WCC Section 110.912.20.

xc: Nathan Edwards, Esq., District Attorney’s Office
Bill Whitney, Director, Planning and Development Division
Dwayne Smith, Director, Engineering and Capital Projects Division



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AN AMENDMENT (DCA14-014) TO WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, TO CREATE A NEW ARTICLE 421, STORM WATER DISCHARGE PROGRAM, IN ORDER TO COME INTO COMPLIANCE WITH THE REQUIREMENTS SET FORTH BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION (NDEP) AND THE FEDERAL BRANCH OF THE EPA RELATING TO A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT ISSUED IN 1990 FOR WHICH WASHOE COUNTY IS A CO-PERMITTEE ALONG WITH THE CITY OF RENO AND CITY OF SPARKS. THE AMENDMENTS WILL UPDATE, CODIFY AND PROVIDE BEST MANAGEMENT PRACTICES RELATING TO WASHOE COUNTY ORDINANCE 1223 (ADOPTED IN 2003) AND THE NPDES PERMIT, AS REQUIRED FOR COMPLIANCE WITH THE PROVISIONS OF SAID PERMIT

Resolution Number 15-23

WHEREAS

- A. Development Code Amendment Case Number DCA14-0014 came before the Washoe County Planning Commission for a duly noticed public hearing on November 3, 2015; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code Amendment; and
- C. The Washoe County Planning Commission has given reasoned consideration to the information it has received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15, the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA14-014 :
 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918 (Adoption of Development Code);
 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allows for a more desirable utilization of land within the regulatory zones; and
 4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g) that:

- (1) The Washoe County Planning Commission does hereby RECOMMEND approval of DCA14-014, an amendment to the Washoe County Development Code at Chapter 110, Development Code, to create a new Article 421, *Storm Water Discharge Program*, in order to come into compliance with the requirements set forth by the Nevada Division of Environmental Protection (NDEP) and the federal branch of the EPA relating to a National Pollutant Discharge Elimination System (NPDES) permit issued in 1990 for which Washoe County is a co-permittee along with the City of Reno and City of Sparks. The amendments will update, codify and provide best management practices relating to Washoe County Ordinance 1223 (adopted in 2003) and the NPDES permit, as required for compliance with the provisions of said permit as set forth in Exhibit A; and,
- (2) A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on November 3, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr. AICP, Secretary

James Barnes, Chair